

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael P. Schoemann et al.
Serial No.: 10/709,382
Filed: April 30, 2004
Group Art Unit: 3612
Examiner: Kiran P. Patel
Confirmation No.: 3381
Title: DOOR TRIM PANEL WITH DUAL DENSITY BOLSTER ARMREST
AND INTEGRATED COMPONENTS
Attorney Docket: MASL-37

Cincinnati, Ohio 45202

June 23, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SECOND NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS (37 C.F.R. § 41.31)**

Applicants hereby appeal to the Board of Appeals from the last decision of the Examiner dated March 27, 2006 rejecting claims 1, 2, 8-10, 15, and 22-26.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

☒ other than a small entity.
☐ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

☐ small entity \$250.00
☒ other than a small entity \$500.00

Notice of Appeal fee due **\$ 0.00 (See Remarks below)**

3. Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

_____ Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
_____	one month	\$120.00	\$60.00
_____	two months	\$450.00	\$225.00
_____	three months	\$1020.00	\$510.00
_____	four months	\$1,590.00	\$795.00

Fee \$

Please apply the fee in the amount of \$_____ for the _____ month extension fee as required by 37 C.F.R. § 1.17(c) to Deposit Account No. 23-3000. If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

(a) _____ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

(b) **X** Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

4. Total Fee Due

The total fee due is:

Notice of Appeal fee **\$ 0.00**
Extension fee (if any) **\$ 0.00**

Total Fee due **\$ 0.00**

5. Fee Payment

___ Attached is a check is the sum of \$___.

___ The Commissioner is hereby authorized to charge the amount of \$___ for the appeal fee and extension fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

6. Fee Deficiency

X Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

REMARKS

Applicants respectfully request reinstatement of the Notice of Appeal filed January 9, 2006 through the submission of this Second Notice of Appeal. Applicants believe there is no fee due as a result of this Second Notice of Appeal. The Examiner issued a final Office Action on October 13, 2005. Applicants filed a timely Notice of Appeal on January 9, 2006, including the required fee under 37 C.F.R. § 41.31. However, on March 27, 2006 the Examiner reopened prosecution, withdrew the final Office Action mailed on October 13, 2005 and issued a second non-final Office Action on March 27, 2006. Applicants hereby appeal from this second non-final Office Action. Because the Board did not render a decision in the first appeal, the fee paid on January 9, 2006 may be applied to the Second Notice of Appeal. *Rules of Practice Before the Board of Patent Appeals and Interferences*, 69 Fed. Reg. 49959, 49975 (August 12, 2004) (final rule). Nevertheless, if a petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By /Steven W. Benintendi/
Steven W. Benintendi
Reg. No. 56,297

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324 - Office
(513) 421-7269 - Facsimile